

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ACANTHA LLC,

Plaintiff,

Case No. 19-cv-10656  
Hon. Matthew F. Leitman

v.

NUVASIVE, INC.,

Defendant.

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**ORDER TERMINATING DEFENDANT'S**  
**MOTION TO DISMISS (ECF #12) WITHOUT PREJUDICE**

On March 5, 2019, Plaintiff Acantha LLC filed this patent-infringement action against Defendant NuVasive, Inc. (*See* Compl., ECF #1.) NuVasive moved to dismiss the First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF #12.)

The Court entered an order on May 8, 2019, in which it provided Acantha an opportunity to file an Amended Complaint to address the purported defects in the Complaint. (*See* Order, ECF #14.) The Court informed the parties that if Acantha filed such an Amended Complaint, it would terminate NuVasive's pending motion to dismiss as moot. (*See id.*)

Acantha has now filed an Amended Complaint. (*See* Am. Compl., ECF #16.) And NuVasive has filed a renewed motion to dismiss the Amended Complaint. (*See* Mot., ECF #17.) Accordingly, the Court **TERMINATES AS MOOT AND WITHOUT PREJUDICE** NuVasive's initial motion to dismiss (ECF #12).

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 20, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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